

(23:5) and who are mindful of their chastity,² (23:6) [not giving way to their desires] with any but their spouses – that is, those whom they rightfully possess [through wedlock] –:³ for then, behold, they are free of all blame, (23:7) whereas such as seek to go beyond that [limit] are truly transgressors;

² Lit., “who guard their private parts”

³ Lit., “or those whom their right hands possess” (*aw mā malakat aymānūhum*). Most of the commentators assume unquestioningly that this relates to female slaves, and that the particle *aw* (“or”) denotes a permissible alternative. This conventional interpretation is, in my opinion, inadmissible inasmuch as it is based on the assumption that sexual intercourse with one’s female slave is permitted without marriage: an assumption which is contradicted by the Qur’ān itself (see 4:3, 24, 25 and 24:32, with the corresponding notes). Nor is this the only objection to the above-mentioned interpretation. Since the Qur’ān applies the term “believers” to men and women alike, and since the term *azwāj* (“spouses”), too, denotes both the male and the female partners in marriage, there is no reason for attributing to the phrase *mā malakat aymānūhum* the meaning of “their female slaves”; and since, on the other hand, it is out of the question that female and male slaves could have been referred to here, it is obvious that this phrase does not relate to slaves at all, but has the same meaning as in 4:24 – namely, “those whom they rightfully possess through wedlock” (see note 26 on 4:24) – with the significant difference that in the present context this expression relates to both husbands and wives, who “rightfully possess” one another by virtue of marriage. On the basis of this interpretation, the particle *aw* which precedes this clause does not denote an alternative (“or”) but is, rather, in the nature of an explanatory amplification, more or less analogous to the phrase “in other words” or “that is”, thus giving to the whole sentence the meaning,..... save with their spouses – that is, those whom they rightfully possess [through wedlock]..”, etc. (Cf. a similar construction 25:62 – “for him who has the will to take thought – that is [lit., “or”], has the will to be grateful”.)

4:3 And if you have reason to fear that you might not act equitably towards orphans, then marry from among [other] women such as are lawful to you³ – [even] two, or three, or four: but if you have reason to fear that you might not be able to treat them with equal fairness, then [only] one – or [from among] those whom you rightfully possess.⁴ This will make it more likely that you will not deviate from the right course.

³ Lit., “such as are good for you” – i.e., women outside the prohibited degrees enumerated in verses 22–23 of this *sūrah* (Zamakhsharī, Rāzī). According to an interpretation suggested by ‘Ā’ishah, the Prophet’s widow, this refers to the (hypothetical) case of orphan girls whom their guardians might wish to marry without, however, being prepared or able to give them an appropriate marriage-portion – the implication being that they should avoid the temptation of committing such an injustice and should marry other women instead (cf. Bukhārī, *Kitāb at-Tafsīr*, as well as Muslim and Nasā’ī). However, not all of ‘Ā’ishah’s contemporaries subscribed to her explanation of this verse. Thus, according to Sa’id ibn Jubayr, Qatādah, and other successors of the Companions, the purport of the above passage is this: “Just as you are, rightly, fearful of offending against the interests of orphans, you must apply the same careful consideration to the interests and rights of the women whom you intend to marry.” In his commentary on this passage, Ṭabarī quotes several variants of the above interpretation and gives it his unequivocal approval.

⁴ Lit., “whom your right hands possess” – i.e., from among the captives taken in a war in God’s cause (regarding which see notes on *sūrah* 2, notes 167 and 168, and *sūrah* 8, note 72). It is obvious that the phrase “two, or three, or four: but if you have reason to fear...”, etc. is a parenthetic clause relating to both the free women mentioned in the first part of the sentence and to female slaves – for both these nouns are governed by the imperative verb “marry”. Thus, the whole sentence has this meaning: “Marry from among [other] women such as are lawful to you, or [from among] those whom you rightfully possess – [even] two, or three, or four: but if you have reason to fear that you might not be able to treat them with equal fairness, then [only] one” – implying that, irrespective of whether they are free women or, originally, slaves, the number of wives must not exceed four. It was in this sense that Muḥammad ‘Abduh understood the above verse (see *Manār* IV, 350). This view is, moreover, supported by verse 25 of this *sūrah* as well as by 24:32, where marriage with female slaves is spoken of. Contrary to the popular view and the practice of many Muslims in the past centuries, neither the Qur’ān nor the life-example of the Prophet provides any sanction for sexual intercourse without marriage.

As regards the permission to marry more than one wife (up to the maximum of four), it is so restricted by the condition, “if you have reason to fear that you might not be able to treat them with equal fairness, then [marry only] one”, as to make such plural marriages possible only in quite exceptional cases and under exceptional circumstances (see also the

first clause of 24:32 and the corresponding note). Still, one might ask why the same latitude has not been given to women as well; but the answer is simple. Notwithstanding the spiritual factor of love which influences the relations between man and woman, the determinant biological reason for the sexual urge is, in both sexes, procreation: and whereas a woman can, at one time, conceive a child from one man only and has to carry it for nine months before she can conceive another, a man can beget a child every time he cohabits with a woman. Thus, while nature would have been merely wasteful if it had produced a polygamous instinct in woman, man's polygamous inclination is biologically justified. It is, of course, obvious that the biological factor is only one – and by no means always the most important – of the aspects of marital love: none the less, it is a basic factor and, therefore, decisive in the institution of marriage as such. With the wisdom that always takes human nature fully into account, Islamic Law undertakes no more than the safeguarding of the socio-biological function of marriage (which includes also care of the progeny), allowing a man to have more than one wife and not allowing a woman to have more than one husband at one time; while the spiritual problem of marriage, being imponderable and therefore outside the scope of law, is left to the discretion of the partners. In any event – since marriage in Islam is a purely civil contract – recourse to divorce is always open to either of the two partners. (Regarding the dissolution of a marriage at the wife's instance, see note on *sūrah* 2, verse 229.)

4:24 And [forbidden to you are] all married women other than those whom you rightfully possess [through wedlock]:²⁶ this is God's ordinance, binding upon you. But lawful to you are all [women] beyond these, for you to seek out, offering them of your possessions,²⁷ taking them in honest wedlock, and not in fornication. And unto those with whom you desire to enjoy marriage, you shall give the dowers due to them; but you will incur no sin if, after [having agreed upon] this lawful due, you freely agree with one another upon anything [else]:²⁸ behold, God is indeed all-knowing, wise.

4:25 And as for those of you who, owing to circumstances, are not in a position²⁹ to marry free believing women, [let them marry] believing maidens from among those whom you rightfully possess.³⁰ And God knows all about your faith; each one of you is an issue of the other.³¹ Marry them, then, with their people's leave, and give them their dowers in an equitable manner – they being women who give themselves in honest wedlock, not in fornication, nor as secret love-companions.³² And when they are married, and thereafter become guilty of immoral conduct, they shall be liable to half the penalty to which free married women are liable.³³ This [permission to marry slave-girls applies] to those of you who fear lest they stumble into evil.³⁴ But it is for your own good to persevere in patience [and to abstain from such marriages]: and God is much-forgiving, a dispenser of grace.

²⁶ The term *muḥṣanah* signifies literally “a woman who is fortified [against unchastity]”, and carries three senses: (1) “a married woman”, (2) “a chaste woman”, and (3) “a free woman”. According to almost all the authorities, *al-muḥṣanāt* denotes in the above context “married women”. As for the expression *mā malakat aymānukum* (“those whom your right hands possess”, i.e., “those whom you rightfully possess”), it is often taken to mean female slaves captured in a war in God's cause (see in this connection 8:67, and the corresponding note). The commentators who choose this meaning hold that such slave-girls can be taken in marriage irrespective of whether they have husbands in the country of their origin or not. However, quite apart from the fundamental differences of opinion, even among the Companions of the Prophet, regarding the legality of such a marriage, some of the most outstanding commentators hold the view that *mā malakat aymānukum* denotes here “women whom you rightfully possess through wedlock”; thus Rāzī in his commentary on this verse, and Ṭabarī in one of his alternative explanations (going back to ‘Abd Allāh ibn ‘Abbās, Mujāhid, and others). Rāzī, in particular, points out that the reference to “all married women” (*al-muḥṣanāt min an-nisā*), coming as it does after the enumeration of prohibited degrees of relationship, is meant to stress the prohibition of

sexual relations with any woman other than one's lawful wife.

27 Lit., “with your possessions” – i.e., offering them, as the Law demands, an appropriate dower.

28 Cf. verse 4 of this *sūrah*, and the corresponding note.

29 The phrase *lam yastaṭīʿ ṭawlan* is often taken to mean “he is not in a position to afford”, i.e., in the financial sense; but Muḥammad ‘Abduh very convincingly expresses the view that it applies to all manner of preventive circumstances, be they of a material, personal or social nature (*Manār* v, 19).

30 In this context, *mā malakat aymanukum* (lit., “those whom your right hands possess”) denotes women who were captured in a holy war and have subsequently embraced Islam. In the above phrase, the pronoun “you” refers to the community as a whole.

31 I.e., since all human beings – whatever their outward “social status” – are members of one and the same human family, and are therefore equal to one another in the sight of God (cf. 3:195), it is only the strength or weakness of faith which makes one person superior or inferior to another.

32 Lit., “and not taking unto themselves secret love-companions”. This passage lays down in an unequivocal manner that sexual relations with female slaves are permitted only on the basis of marriage, and that in this respect there is no difference between them and free women; consequently, concubinage is ruled out.

33 The weaker social status of a slave makes her, obviously, more accessible to temptation than a free married woman is presumed to be.

34 I.e., to those who for one reason or another are unable to marry free women and are, at the same time, not equal to the temptations arising from celibacy. As is made clear in the next sentence, the Qur’ān discourages such marriages – obviously with a view to removing a major attraction from the institution of slavery as such, and thus promoting its abolition.

24:32 AND [you ought to] marry the single from among you⁴² as well as such of your male and female slaves as are fit [for marriage].⁴³ If they [whom you intend to marry] are poor, [let this not deter you;] God will grant them sufficiency out of His bounty – for God is infinite [in His mercy], all-knowing. (24:33) And as for those who are unable to marry,⁴⁴ let them live in continence until God grants them sufficiency out of His bounty. And if any of those whom you rightfully possess⁴⁵ desire [to obtain] a deed of freedom, write it out for them if you are aware of any good in them:⁴⁶ and give them [their share] of the wealth of God which He has given you.⁴⁷ And do not, in order to gain some of the fleeting pleasures of this worldly life, coerce your [slave] maidens into whoredom if they happen to be desirous of marriage;⁴⁹ and if anyone should coerce them, then, verily, after they have been compelled [to submit in their helplessness), God will be much-forgiving, a dispenser of grace!

⁴² I.e., from among the free members of the community, as is evident from the subsequent juxtaposition with slaves. (As most of the classical commentators point out, this is not an injunction but a recommendation to the community as a whole: hence my interpolation of the words “you ought to”.) The term *ayyim* of which *ayāmā* is the plural – signifies a person of either sex who has no spouse, irrespective of whether he or she has never been married or is divorced or widowed. Thus, the above verse expresses the idea – reiterated in many authentic sayings of the Prophet – that, from both the ethical and the social points of view, the married state is infinitely preferable to celibacy.

⁴³ The term *aṣ-ṣāliḥīn* connotes here both moral and physical fitness for marriage: i.e., the attainment of bodily and mental maturity as well as mutual affection between the man and the woman concerned. As in 4:25, the above verse rules out all forms of concubinage and postulates marriage as the only basis of lawful sexual relations between a man and his female slave.

⁴⁴ I.e., because of poverty, or because they cannot find a suitable mate, or for any other personal reason.

⁴⁵ Lit., “whom your right hands possess”, i.e., male or female slaves.

⁴⁶ The noun *kitāb* is, in this context, an equivalent of *kitābah* or *mukātabah* (lit., “mutual agreement in writing”), a juridical term signifying a “deed of freedom” or “of manumission executed on the basis of an agreement between a slave and his or her owner, to the effect that the slave undertakes to purchase his or her freedom for an equitable sum of money payable in instalments before or after the manumission, or, alternatively, by rendering a clearly specified service or services to his or her owner. With this end in view, the slave is

legally entitled to engage in any legitimate, gainful work or to obtain the necessary sum of money by any other lawful means (e.g., through a loan or a gift from a third person). In view of the imperative form of the verb *kātibūhum* (“write it out for them”), the deed of manumission cannot be refused by the owner, the only pre-condition being an evidence to be established, if necessary, by an unbiased arbiter or arbiters – of the slave’s good character and ability to fulfil his or her contractual obligations. The stipulation that such a deed of manumission may not be refused, and the establishment of precise juridical directives to this end, clearly indicates that Islamic Law has from its very beginning aimed at an abolition of slavery as a social institution, and that its prohibition in modern times constitutes no more than a final implementation of that aim. (See also next note, as well as note 146 on 2:177.)

47 According to all the authorities, this relates (a) to a moral obligation on the part of the owner to promote the slave’s efforts to obtain the necessary revenues by helping him or her to achieve an independent economic status and/or by remitting part of the agreed-upon compensation, and (b) to the obligation of the state treasury (*bayt al-māl*) to finance the freeing of slaves in accordance with the Qur’ānic principle – enunciated in 9:60 – that the revenues obtained through the obligatory tax called *zakāh* are to be utilized, among other purposes, “for the freeing of human beings from bondage” (*fi’r-riqāb*, an expression explained in *sūrah* 2, note 146). Hence, Zamakhsharī holds that the above clause is addressed not merely to persons owning slaves but to the community as whole. – The expression “the wealth of God” contains an allusion to the principle that “God has bought of the believers their lives and their possessions, promising them paradise in return” (9:III) – implying that all of man’s possessions are vested in God, and that man is entitled to no more than their usufruct.

48 Lit., “so that you might seek out” or “endeavour to attain to”.

49 Lit., “if they desire protection against unchastity (*taḥaṣṣun*)”, i.e., through marriage (cf. the expression *muḥṣanāt* as used in 4:24). Most of the classical commentators are of the opinion that the term *fatayāt* (“maidens”) denotes here “slave-girls”: an assumption which is fully warranted by the context. Hence, the above verse reiterates the prohibition of concubinage by explicitly describing it as “whoredom” (*bighā*).

30:50 O PROPHET! Behold, We have made lawful to thee thy wives unto whom thou hast paid their dowers,⁵⁷ as well as those whom thy right hand has come to possess from among the captives of war whom God has bestowed upon thee:⁵⁸ And [We have made lawful to thee] the daughters of thy paternal uncles and aunts, and the daughters of thy maternal uncles and aunts, who have migrated with thee [to Yathrib];⁵⁹ and any believing woman who offers herself freely to the Prophet and whom the Prophet might be willing to wed:⁶⁰ [this latter being but] a privilege for thee, and not for other believers – [seeing that] We have already made known what We have enjoined upon them with regard to their wives and those whom their right hands may possess.⁶¹

[And] in order that thou be not burdened with [undue] anxiety – for God is indeed much-forgiving, a dispenser of grace – (33:51) [know that] thou mayest put off for a time whichever of them thou pleasest, and mayest take unto thee whichever thou pleasest; and [that,] if thou seek out any from whom thou hast kept away [for a time], thou wilt incur no sin [thereby]:⁶² this will make it more likely that their eyes are gladdened [whenever they see thee],⁶³ and that they do not grieve [whenever they are overlooked], and that all of them may find contentment in whatever thou hast to give them: for God [alone] knows what is in your hearts – and God is indeed all-knowing, forbearing.⁶⁴

33:52 No [other] women shall henceforth be lawful to thee⁶⁵ – nor art thou [allowed] to supplant [any of] them by other wives,⁶⁶ even though their beauty should please thee greatly –: [none shall be lawful to thee] beyond those whom thou [already] hast come to possess.⁶⁷ And God keeps watch over everything.

⁵⁷ The term *ajr* is in this context synonymous with *farīdah* in its specific sense of “dower” (*mahr*): see *sūrah* 2, note 224.

⁵⁸ As pointed out in several places (see, in particular, note 32 on 4:25), Islam does not countenance any form of concubinage, and categorically prohibits sexual relations between a man and a woman unless they are lawfully married to one another. In this respect, the only difference between a “free” woman and a slave is that whereas the former must receive a dower from her husband, no such obligation is imposed on a man who marries his rightfully owned slave (lit., “one whom his right hand possesses”) – that is, a woman taken captive in a “holy war” (*jihād*) waged in defence of the Faith or of liberty (note 167 on 2:190 and note 72 on 8:67) –: for, in such a case, the freedom conferred upon the bride by the very act of marriage is considered to be equivalent to a dower.

59 This was – in addition to his not being allowed to divorce any of his wives (see verse 52 below) – a further restriction imposed on the Prophet in the matter of marriage: whereas all other Muslims are free to marry any of their paternal or maternal cousins, the Prophet was allowed to marry only such from among them as had proved their strong, early attachment to Islam by having accompanied him on his exodus (the *hijrah*) from Mecca to Medina. In the opinion of Baghawī – an opinion obviously based on the corresponding, ancient Arabian usage – the term “daughters of thy paternal uncles and aunts” comprises in this context not only the actual paternal cousins but, in general, all women of the tribe of Quraysh, to which Muḥammad’s father belonged, while the term “daughters of thy maternal uncles and aunts” comprises all women of his mother’s tribe, the Banū Zuhrah.

60 The relevant clause reads, literally, “if she offered herself as a gift (in *wahabat nafsaḥā*) to the Prophet”. Most of the classical commentators take this to mean “without demanding or expecting a dower (*mahr*)”, which, as far as ordinary Muslims are concerned, is an essential item in a marriage agreement (cf. 4:4 and 24, and the corresponding notes; also *sūrah* 2, note 224).

61 The above parenthetical sentence refers to the previously revealed, general laws relating to marriage (see 2:221, 4:3–4 and 19–25, as well as the corresponding notes), and particularly the laws bearing on the question of dower.

62 Thus, the Prophet was told that he need not observe a strict “rotation” in the conjugal attentions due to his wives, although he himself, impelled by an inborn sense of fairness, always endeavoured to give them a feeling of absolute equality.

63 I.e., by the inner certainty that whenever he turned to any of them, he did so on impulse, out of genuine affection, and not out of a sense of marital “obligation”.

64 According to a *ḥadīth* on the authority of ‘Ā’ishah, recorded in the *Musnad* of Ibn Ḥanbal, the Prophet “used to divide his attentions equitably among his wives, and then would pray: ‘O God! I am doing whatever is in my power: do not, then, blame me for [failing in] something which is in Thy power [alone], and not in mine!’ thus alluding to his heart, and to loving some [of his wives] more than others.”

8:67 IT DOES NOT behove a prophet to keep captives unless he has battled strenuously on earth.⁷² You may desire the fleeting gains of this world – but God desires [for you the good of] the life to come: and God is almighty, wise.

⁷² I.e., as an aftermath of a war in a just cause. As almost always in the Qur’ān, an injunction addressed to the Prophet is, by implication, binding on his followers as well. Consequently, the above verse lays down that no person may be taken, or for any time retained, in captivity unless he was taken prisoner in a *jihād* – that is, a holy war in defence of the Faith or of freedom (regarding which see *sūrah* 2, note 167) – and that, therefore, the acquisition of a slave by “peaceful” means, and the keeping of a slave thus acquired, is entirely prohibited: which, to all practical purposes, amounts to a prohibition of slavery as a “social institution”. But even with regard to captives taken in war, the Qur’ān ordains (in 47:4) that they should be freed after the war is over.

47:4 NOW WHEN you meet [in war] those who are bent on denying the truth,⁴ smite their necks until you overcome them fully, and then tighten their bonds;⁵ but thereafter [set them free,] either by an act of grace or against ransom, so that the burden of war may be lifted:⁶ thus [shall it be].

And [know that] had God so willed, He could indeed punish them [Himself]; but [He wills you to struggle] so as to test you [all] by means of one another.⁷

And as for those who are slain in God's cause, never will He let their deeds go to waste: (47:5) He will guide them [in the hereafter as well], and will set their hearts at rest, (47:6) and will admit them to the paradise which He has promised them.

⁴ Sc., “and on barring [others] from the path of God” – thus connecting with verse 1 and laying down the fundamental condition which alone justifies physical warfare: namely, a defence of the Faith and of freedom (cf. in this connection note 167 on 2:190). In other words, when “those who are bent on denying the truth” try to deprive the Muslims of their social and political liberty and thus to make it impossible for them to live in accordance with the principles of their faith, a just war (*jihād*) becomes allowable and, more than that, a duty. The whole of the above verse relates to war actually in progress (cf. note 168 on the first part of 2:191); and there is no doubt that it was revealed after 22:39–40, the earliest Qur'ānic reference to physical warfare.

⁵ Lit., “tighten the bond”. According to almost all the commentators, this expression denotes the taking of prisoners of war. In addition, it may also refer to any sanctions or safeguards which would make it unlikely that the aggression could be resumed in the foreseeable future.

⁶ Lit., “so that (*ḥattā*) the war may lay down its burdens”. The term “ransom” comprises also, in this context, a mutual exchange of prisoners of war (Zamakhsharī, quoting an opinion of Imām Ash-Shāfi').

⁷ I.e., so as to enable the believers to prove by actual deeds the depth of their faith and their readiness for self-sacrifice, and to enable the aggressors to realize how wrong they have been, and thus to bring them closer to the truth.

2:177 True piety does not consist in turning your faces towards the east or the west¹⁴³ – but truly pious is he who believes in God, and the Last Day; and the angels, and revelation,¹⁴⁴ and the prophets; and spends his substance – however much he himself may cherish it – upon his near of kin, and the orphans, and the needy, and the wayfarer,¹⁴⁵ and the beggars, and for the freeing of human beings from bondage;¹⁴⁶ and is constant in prayer, and renders the purifying dues; and [truly pious are] they who keep their promises whenever they promise, and are patient in misfortune and hardship and in time of peril: it is they that have proved themselves true, and it is they, they who are conscious of God.

¹⁴³ Thus, the Qur’ān stresses the principle that mere compliance with outward forms does not fulfil the requirements of piety. The reference to the turning of one’s face in prayer in this or that direction flows from the passages which dealt, a short while ago, with the question of the *qiblah*.

¹⁴⁴ In this context, the term “revelation” (*al-kitāb*) carries, according to most of the commentators, a generic significance: it refers to the fact of divine revelation as such. As regards belief in angels, it is postulated here because it is through these spiritual beings or forces (belonging to the realm of *al-ghayb*, i.e., the reality which is beyond the reach of human perception) that God reveals His will to the prophets and, thus, to mankind at large.

¹⁴⁵ The expression *ibn as-sabīl* (lit., “son of the road”) denotes any person who is far from his home, and especially one who, because of this circumstance, does not have sufficient means of livelihood at his disposal (cf. Lane IV, 1302). In its wider sense it describes a person who, for any reason whatsoever, is unable to return home either temporarily or permanently: for instance, a political exile or refugee.

¹⁴⁶ *Ar-raqabah* (of which *ar-riqāb* is the plural) denotes, literally, “the neck”, and signifies also the whole of a human person. Metonymically, the expression *fi’r-riqāb* denotes “in the cause of freeing human beings from bondage”, and applies to both the ransoming of captives and the freeing of slaves. By including this kind of expenditure within the essential acts of piety, the Qur’ān implies that the freeing of people from bondage – and, thus, the abolition of slavery – is one of the social objectives of Islam. At the time of the revelation of the Qur’ān, slavery was an established institution throughout the world, and its sudden abolition would have been economically impossible. In order to obviate this difficulty, and at the same time to bring about an eventual abolition of all slavery, the Qur’ān ordains in 8:67 that henceforth only captives taken in a just war (*jihād*) may be kept as slaves. But even with regard to persons enslaved in this or – before the revelation of 8:67 – in any

other way, the Qur'ān stresses the great merit inherent in the freeing of slaves, and stipulates it as a means of atonement for various transgressions (see, e.g., 4:92, 5:89, 58:3). In addition, the Prophet emphatically stated on many occasions that, in the sight of God, the unconditional freeing of a human being from bondage is among the most praiseworthy acts which a Muslim could perform. (For a critical discussion and analysis of all the authentic Traditions bearing on this problem, see *Nayl al-Awṭār* VI, 199 ff.)

Source

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